



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/520,762

07/25/2005

Jean Marc Auriol

3978-17

5085

30448

7590

08/22/2008

AKERMAN SENTERFITT

P.O. BOX 3188

WEST PALM BEACH, FL 33402-3188

EXAMINER

SAFAVI, MICHAEL

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

08/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/520,762	AURIOL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Safavi	3637	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/25/05</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, line 7, “the mobile head” lacks appropriate antecedent basis within the claim. It is therefore, not clear as to what “the mobile head” serves to define. Line 7, it is not clear as to what is being defined by “the mobile head is associated to a number of distribution tubes”. How is the mobile head associated to the distribution tubes? Line 12, “the cartridge” lacks appropriate antecedent basis within the claim. It is therefore, not clear as to what “the cartridge” serves to define. Or, to which cartridge does “the cartridge” refer?

Claim 10, it is not clear as to what is being defined by “[a] device...of the same type as that associated to an applicator”. It is not clear as to what “device...of the same type” defines. It is not clear as to what “that associated with an applicator” defines. Line 4, to what does “a tube” refer? Would “a tube” be any one of the tubes recited at line 8 in claim 8? Line 5, “the outlet orifice” lacks appropriate antecedent basis within the claim. It is therefore, not clear as to what “the outlet orifice” serves to define. Line 5, “the cartridge” lacks appropriate antecedent basis within the claim. It is therefore, not clear as to what “the cartridge” serves to define. Or, to which cartridge does “the cartridge” refer?

Claim 11, line 3, “the tubes of the head” lacks appropriate antecedent basis within the claim. It is therefore, not clear as to what “the tubes of the head” serves to define. Lines 4-5, “the cartridges storing the parts” lacks appropriate antecedent basis within the claim. It is therefore, not clear as to what “the cartridges storing the parts” serves to define. Or, to which cartridges does “the cartridges” refer? Lines 6-8, it is not clear as to what is being defined by “via the movement of the said mobile head the parts are positioned coaxially to the axes of the outlet orifices”. How does the movement of the head position the parts coaxially with the axes of the outlet orifices?

Claim 12, lines 1-2, “the distribution tubes of the head” lacks appropriate antecedent basis within the claim. It is therefore, not clear as to what “the distribution tubes of the head” serves to define. Lines 3-5, it is not clear as to what is being defined by “The distribution tubes of the head move from a position where they are moved by means of the mobile head to a position where one of their ends communicates with the cartridge containing the parts to be distributed and vice versa.”. What does “vice versa” serve to define? It is not clear as to how the movement of the distribution tubes is effected by the cartridge.

Claim 13, line 2, it is not clear as to what is being defined by “each cartridge is associated to a wait chamber”. How is each cartridge “associated to a wait chamber”?

Claim 14, lines 2-3, it is not clear as to what is being defined by “means of identification cooperating with one or more reading heads”. How do “means of identification” cooperate with the reading heads? Lines 3-4, it is not clear as to what is being defined by “reading heads associated to the said distribution head”. How are

Art Unit: 3637

reading heads associated to the said distribution head”? Line 4, to which head does “the head” refer?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application Publication (EP 0 618 022) in view of European Patent Application Publication (EP 0 995 537).**

EP ‘022 discloses, Figs. 1 and 3, a storage distribution device comprising a body 26 equipped with zones 19 to accommodate storage cartridges 29, a moving distribution head 31, and at least a distribution tube 33 having a diameter corresponding to the diameter of parts to be distributed with the parts being moved by a transport fluid. The moving distribution head 31 collects and evacuates parts from the cartridge 29. EP ‘022 does not appear to specifically disclose a number of distribution tubes connected to the moving distribution head.

However, EP ‘537 discloses, Fig. 1, a storage distribution device comprising a body equipped with zones to accommodate storage cartridges 12, a distribution head 28, and distribution tubes 16/30 connected to the distribution head with each tube having a diameter corresponding to the diameter of parts to be distributed with the parts

Art Unit: 3637

being moved by a transport fluid. The distribution head 28 collects and evacuates parts from the cartridge 12.

Therefore, to have provided the storage distribution device of EP '022 with a number of distribution tubes 33 connected to the moving distribution head 31 with each tube having a diameter corresponding to the diameter of parts to be distributed would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by EP '537.

The mobile head 31 is associated to a logic structure 5 creating a displacement plane of the said head 31 in front of the cartridges 29. Though, EP '537 discloses a logic structure 24 for distributing the variously sized parts.

The cartridges 29 have a stored part outlet orifice wherein the tubes 33 of the head 31 are positioned parallel to the axes of the outlet orifices of the cartridges 29 storing the parts to be distributed, (as a result of the plurality of tubes 33 connected to the modified EP '022 moving distribution head); and wherein via the movement of the said mobile head 31 the parts are positioned coaxially to the axes of the outlet orifices, (an inherent feature).

With EP '022 as modified the distribution tubes 33 of the head 31 would move from a position where they are moved by means of the mobile head 31 to a position where one of their ends communicates with the cartridge 29 containing the parts to be distributed and vice versa.

Art Unit: 3637

Each cartridge 29 is associated to a wait chamber 50 that authorizes the unitary exit of the parts it stores and with which the mobile head 31 communicates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Safavi/  
Primary Examiner, Art Unit 3637

M. Safavi  
August 14, 2008